INCOMPAS
THE FUTURE OF COMPETITION

1100 G STREET, NW, SUITE 800 PH: 202.296.6650
WASHINGTON, DC 20005 FX: 202.296.7585

October 12, 2021

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59

Dear Ms. Dortch,

On October 7, 2021, Ruth Holder of BT Americas, Paula Boyd of Microsoft, Greg Rogers of Bandwidth, Sarah Halko of Telnyx, Michael Pryor, outside counsel to the Cloud Communications Alliance, and the undersigned counsel for INCOMPAS met by phone with David Strickland, Acting Legal Advisor for Acting Chairwoman Rosenworcel, to discuss USTelecom's petition for reconsideration of real-time notification requirements adopted by the Commission in its *Fourth Call Blocking Report and Order*.[1] Our presentation during the meeting was consistent with joint comments that INCOMPAS and the Cloud Communications Alliance filed in response to the Commission's *Public Notice* seeking comment on the petition.[2]

In the meetings, the participants reiterated their support for the *Fourth Report and Order's* inclusion of immediate, call blocking notification requirements. INCOMPAS has repeatedly urged the Commission to ensure that providers have effective redress mechanisms in place to address call blocking errors and the requirement to use specific, existing codes when blocking calls was a welcome, and necessary, complement to previously adopted measures.

As part of its petition, USTelecom has encouraged the Commission to abandon the *Fourth Report and Order's* requirements to use SIP Codes 607 and 608 to alert callers and providers that a call has been blocked and instead rely on SIP Code 603. In the meeting, the participants suggested that, rather than vitiate the *Fourth Report and Order's* notification requirements by permitting industry to use SIP Code 603 or other suboptimal alternatives, the

[1] *See Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, FCC 20-187, paras. 52-61 (rel. Dec. 30, 2020) ("Fourth Call Blocking Report and Order").

[2] *See Petition for Reconsideration of Action in Proceedings*, CG Docket No. 17-59, Public Notice, Report No. 3173 (rel. May 11, 2021) ("*Public Notice*").

Commission should extend the implementation deadline and give stakeholders an additional six months to finalize and implement SIP Codes 607 and 608. During the extension, the Commission could elect not to enforce the notification requirements.[3] No interim solution—whether SIP Code 603 or an alternative—needs to be mandated, allowing a focus on completing the development of SIP Codes 607 and 608. While such a delay would make it more difficult for callers and voice service providers to seek redress in the near term, an extension would allow providers to continue offering the call blocking solutions desired by consumers while simultaneously ensuring that industry develops and implements a more uniform and standardized approach to call blocking notification.

SIP Code 603, which was developed in 2002 to signify that a called party declined, but did not reject a call, was specifically NOT designed for network level blocking as it presumes the call reached the called party. Following an internal review of this proposal, the participants indicated that they have significant concerns about the use of SIP Code 603 as a "catch-all" notification for network-based call blocking, and encouraged the Commission to require the use of the SIP and ISUP codes adopted in the *Fourth Report and Order* as an endpoint for call blocking notification.

As the Commission is well aware, what makes SIP Codes 607 and 608 so valuable is the specificity of information they provide and the uniformity with which that information is delivered. Both codes were specifically designed to address gaps left by the adoption of SIP Code 603. Recognizing SIP Code 603's limitations, the Internet Engineering Task Force ("IETF"), which promulgated the codes, first defined SIP 607 to indicate the end user called party had rejected the call, but neither SIP Code 603 nor SIP Code 607 specifically addressed blocking by an intermediary based on analytics. That is the specific purpose of SIP Code 608. In fact, using SIP Code 603 as a "catch-all" will lead to confusion and undermine the purpose of SIP Codes 607 and 608 by making it difficult for competitive service providers to understand the cause of the notification.

USTelecom has argued that SIP Code 603 is in wide use and that callers and providers should be able to "identify analytics-based blocking based on rudimentary analysis."[4] The participants acknowledged that providers are seeing an increase in the use of SIP Code 603, however, there is nothing "rudimentary" about pulling analytics and deciphering the error when

[3] The Commission recently took a similar approach with respect to the foreign service provider prohibition, which would prohibit U.S. intermediate and terminating voice service providers from accepting calls directly from foreign voice service providers. After industry raised concerns about the provision, the agency decided it would not enforce the provision during the pendency of the current *Further Notice of Proposed Rulemaking* in the robocall mitigation and call authentication trust anchor proceedings. *See Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 21-105, para. 106 (rel. Oct. 1, 2021).

[4] USTelecom Notice of Ex Parte, CG Docket No. 17-59 (filed Sep. 17, 2021), at 1.

SIP Code 603 is being used regardless of whether the call is declined by the end user, rejected by the end user, or blocked by an analytics engine. Some of our members' customers reported receiving SIP Code 603 error notifications at the rate of 300-500 per *hour*. For callers and providers, the information becomes less actionable as more SIP Code 603 errors come across the network, particularly if providers are allowed to "ubiquitously use SIP Code 603 responses to identify analytics-based blocking."[5] In the absence of a field that tells who to contact (which unfortunately is the case with SIP Code 603), it is incumbent on the carrier receiving the code to do a look up and find out who is blocking the call to raise a redress request.[6] In order to have true operational value, SIP Code 603 would need to be redefined in the IETF standards as a network-level or analytics-based blocking code, a result which is unlikely at this time. As voice service providers struggle to analyze SIP Code 603 notifications, it only reinforces the need for full implementation of SIP Codes 607 and 608, which offer providers greater clarity.

Finally, despite the concerns shared by USTelecom and others about the costs associated with implementing SIP Codes 607 and 608, the participants' internal analyses indicates that carriers would not recover any meaningful savings from the use of SIP Code 603—due to the additional time providers spend attempting to understand the error and seek redress from other providers and the potential administrative costs of making and educating providers on changes to the code.

If you have any questions about this filing, please feel free to contact me.

Respectfully submitted,

/s/ Christopher L. Shipley

Christopher L. Shipley
Attorney & Policy Advisor
(202) 872-5746

cc: David Strickland

[5] *See* USTelecom Written Ex Parte Presentation, CG Docket No. 17-59 (filed Oct. 7, 2021), at 3.

[6] In a recent ex parte letter, USTelecom states that "some providers already are planning to include with a SIP 603 response information that indicates a given call was blocked based on analytics, and potentially by whom." *See* USTelecom Notice of Ex Parte Presentation, CG Docket No. 17-59 (filed Sep. 13, 2021), at 1. Specifying that the call was blocked due to analytics and potentially by whom would certainly be critical information. However, USTelecom also states that not all providers can include this information as part of the SIP Code 603 response, and urges the Commission not to require this information. Absent uniform implementation, having some SIP Code 603 responses indicate analytics-based blocking while other responses do not, even if blocked by analytics, will exacerbate the confusion around using the 603 response code.